

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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In re: : Chapter 7

ORLY GINGER, : Case No. 19-10926-tmd

Debtor. :

X

DALIA GINGER, : Adv. P. No. 20-01010

Plaintiff, :

-against- : **LOCAL RULE 7056-1**

ORLY GINGER, MICHAEL BOWEN, ARIE : **STATEMENT**

GINGER, ARNOLD BROSER, DAVID BROSER, :

ERIC HERSCHMANN, THE GINGER LITIGATION :

TRUST, ADBG LLC, TEDCO INC., and :

DEBORAH PIAZZA as chapter 7 trustee, :

Defendants. :

X

Pursuant to Local Rule 7056-1(b), plaintiff Dalia Genger (“Dalia”) respectfully submits this separate, short, and concise statement, in numbered paragraphs, of the material facts as to which Dalia contends there is no genuine issue to be tried:

1. In 2004, defendant Orly Genger (“Orly”) and Dalia were fiduciaries of one another based on their close family relationship. Tokayer Decl. Exhs. S, T at 9.

2. In September-October 2004, Orly committed to Dalia (the “2004 Commitment”) to financially support Dalia out of the proceeds from Dalia’s marital rights to certain shares of stock of a company called Trans-Resources, Inc. (the “Rights”). Genger v. Genger, 76 F. Supp. 3d 488, 492 (S.D.N.Y. 2015), aff’d, 663 F. App’x 44 (2d Cir. 2016) ; Genger v. Genger, 2018 WL 3632521, *2 (S.D.N.Y. July 27, 2018) aff’d, 771 F. App’x 99 (2d Cir. 2019).

3. In reliance on the 2004 Commitment, Dalia transferred the Rights to Orly.

Genger v. Genger, 76 F. Supp. 3d 488, 492 (S.D.N.Y. 2015), aff'd, 663 F. App'x 44 (2d Cir. 2016) ; Genger v. Genger, 2018 WL 3632521, *2 (S.D.N.Y. July 27, 2018) aff'd, 771 F. App'x 99 (2d Cir. 2019).

5. Orly was unjustly enriched as result, because she monetized the Rights for millions for over \$12 million, but has not honored the 2004 Commitment. Genger v. Genger, 2018 WL 3632521, *6 n.5 (S.D.N.Y. July 27, 2018).

Dated: New York, New York
July 14, 2020

s/ Ira Daniel Tokayer

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